

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD C. HUFFMAN,

Petitioner,

Civil Action No. 15-CV-12728

vs.

HON. BERNARD A. FRIEDMAN

PAUL KLEE,

Respondent.

/

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

State prisoner Edward C. Huffman has filed a pro se habeas corpus petition challenging his plea-based conviction for possession of methamphetamine. Petitioner alleges that he was sentenced on March 3, 2014, to imprisonment for eighteen months to ten years. As grounds for habeas relief, petitioner asserts that (1) the trial court erred when it concluded he did not have an agreement with the police; (2) his trial attorney was ineffective for failing to file a motion to determine what the police promised him; and (3) this Court has discretion to grant a wide variety of remedies, including re-sentencing, if the Court determines that the police promised not to file charges against petitioner in exchange for his cooperation.

Presently before the Court is petitioner's motion for appointment of counsel. Petitioner states that he has been unable to retain counsel, that his imprisonment limits his ability to research and litigate his claims, and that he has limited knowledge of the law.

Prisoners have no constitutional right to appointment of counsel in a collateral attack on their convictions. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). “[T]he right to appointed counsel extends to the first appeal of right, and no further.” *Id.* Appointment of counsel

in a civil case such as this one “is justified only in exceptional circumstances.” *Lanier v. Bryant*, 332 F.3d 999, 1006 (6th Cir. 2003). When determining whether exceptional circumstances exist, “courts typically consider ‘the type of case and the ability of the plaintiff to represent himself.’” *Id.* (quoting *Archie v. Christian*, 812 F.2d 250, 253 (5th Cir. 1987)).

Petitioner has ably represented himself thus far, and, contrary to what he alleges, the issues are not complex. Accordingly,

IT IS ORDERED that petitioner’s motion for appointment of counsel (docket entry 8) is denied.

S/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: February 11, 2016
Detroit, Michigan